

(b) The Commandant (G-P) or the MARAD Administrator will publish a notice of public hearings or meetings in the FEDERAL REGISTER, and will mail or deliver a copy of the notice to the applicant, to each adjacent coastal State, and to all who request a copy.

(c) Anyone may attend a public hearing or meeting and provide relevant oral or written information. The presiding officer may limit the time for providing oral information.

**§ 148.227 How is a public hearing or meeting reported?**

(a) After completion of a public hearing or meeting, the presiding officer forwards a report on the hearing or meeting to the Commandant (G-P) for docketing.

(b) The report must contain at least:

(1) An overview of the factual issues addressed;

(2) A transcript or recording of the hearing or meeting; and

(3) A copy of all material submitted to the presiding officer.

(c) During the hearing or meeting, the presiding officer announces the information that the report must contain.

FORMAL HEARINGS

**§ 148.228 What if a formal evidentiary hearing is necessary?**

(a) After all public meetings under § 148.222 of this part are concluded, the Commandant (G-PSO), in coordination with the MARAD Administrator, will consider whether there are one or more specific and material factual issues that may be resolved by a formal evidentiary hearing.

(b) If the Commandant (G-PSO), in coordination with the MARAD Administrator, determines that one or more issues under paragraph (a) of this section exist, the Coast Guard will hold at least one formal evidentiary hearing under 5 U.S.C. 554 in the District of Columbia.

(c) The Commandant (G-PSO) files a request for assignment of an administrative law judge (ALJ) with the ALJ Docketing Center. The Chief ALJ designates an ALJ or other person to conduct the hearing.

(d) The recommended findings and the record developed in a hearing under

paragraph (b) of this section are considered by the MARAD Administrator in deciding whether to approve or deny a license.

**§ 148.230 How is notice of a formal hearing given?**

(a) The Commandant (G-P) publishes a notice of the hearing in the FEDERAL REGISTER and sends a notice of the hearing to the applicant, to each adjacent coastal State, and to each person who requests such a notice.

(b) The notice of the hearing includes the applicant's name, the name of the ALJ assigned to conduct the hearing, a list of the factual issues to be resolved, the address where documents are to be filed, and the address where a copy of the rules of practice, procedure, and evidence to be used at the hearing is available.

**§ 148.232 What are the rules for a formal hearing?**

(a) The Commandant (G-P) determines the rules for each formal hearing. Unless otherwise specified in this part, the Commandant (G-P) applies the rules of practice, procedure, and evidence in part 20 of this chapter.

(b) The Commandant (G-P) sends a written copy of the procedure to the applicant, each person intervening in the proceedings, and each person who requests a copy.

**§ 148.234 What are the limits of an Administrative Law Judge (ALJ)'s jurisdiction?**

(a) An ALJ's jurisdiction begins upon assignment to a proceeding.

(b) An ALJ's jurisdiction ends after the recommended findings are filed with the Commandant (G-P) or immediately after the ALJ issues a notice of withdrawal from the proceeding.

**§ 148.236 What authority does an Administrative Law Judge (ALJ) have?**

When assigned to a formal hearing, an ALJ may:

(a) Administer oaths and affirmations;

(b) Issue subpoenas;

(c) Issue rules of procedure for written evidence;

(d) Rule on offers of proof and receive evidence;

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- (e) Examine witnesses;
- (f) Rule on motions of the parties;
- (g) Suspend or bar an attorney from representing a person in the proceeding for unsuitable conduct;
- (h) Exclude any person for disruptive behavior during the hearing;
- (i) Set the hearing schedule;
- (j) Certify questions to the Commandant (G-P);
- (k) Proceed with a scheduled session of the hearing in the absence of a party who failed to appear;
- (l) Extend or shorten a non-statutorily imposed deadline under this subpart within the 240-day time limit for the completion of public hearings in 33 U.S.C. 1504(g);
- (m) Set deadlines not specified in this subpart or the Deepwater Ports Act; and
- (n) Take any other action authorized by or consistent with this subpart, the Deepwater Ports Act, or 5 U.S.C. 551-559.

### § 148.238 Who are the parties to a formal hearing?

The parties to a formal hearing are:

- (a) The applicant;
- (b) The Commandant (G-P); and
- (c) Any person intervening in the proceedings.

### § 148.240 How does a State or a person intervene in a formal hearing?

- (a) Any person or adjacent coastal State may intervene in a formal hearing.
- (b) A person must file a petition of intervention within 10 days of notice that the formal hearing is issued. The petition must:
  - (1) Be addressed to the *Administrative Law Judge* (ALJ) Docketing Center;
  - (2) Identify the issues and the petitioner's interest in those issues; and
  - (3) Designate the name and address of a person who can be served if the petition is granted.
- (c) An adjacent coastal State need only file a notice of intervention with the ALJ Docketing Center.
- (d) The ALJ has the authority to limit the scope and period of intervention during the proceeding.
- (e) If the ALJ denies a petition of intervention, the petitioner may file a notice of appeal with the ALJ Dock-

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eting Center within 7 days of the denial.

(1) A brief may be submitted with the notice of appeal.

(2) Parties who wish to file a brief in support of or against the notice of appeal may do so within 7 days of filing the notice.

(f) The Commandant (G-P) will rule on the appeal. The ALJ does not have to delay the proceedings for intervention appeals.

### § 148.242 How does a person who is not a party to a formal hearing present evidence at the hearing?

(a) A person who is not a party to a formal hearing may present evidence at the hearing if he or she sends a petition to present evidence to the ALJ Docketing Center before the beginning of the formal hearing. The petition must describe the evidence that the person will present and show its relevance to the issues listed in the notice of formal hearing.

(b) If a petition is granted, the ruling will specify which evidence is approved to be presented at the hearing.

### § 148.244 Who must represent the parties at a formal hearing?

(a) All organizations that are parties to the proceeding must be represented by an attorney. Individuals may represent themselves.

(b) Any attorney representing a party to the proceeding must file a notice of appearance according to § 20.301(b) of this chapter.

(c) Each attorney must be in good standing and licensed to practice before a court of the United States or the highest court of any State, territory, or possession of the United States.

### § 148.246 When is a document considered filed and where should I file it?

(a) If a document to be filed is submitted by mail, it is considered filed on the date it is postmarked. If a document is submitted by hand delivery or electronically, it is considered filed on the date received by the clerk.

(b) File all documents and other materials related to an administrative proceeding at the U.S. Coast Guard Administrative Law Center, Attention: